

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MCKESSON AUTOMATION, INC.,)
Plaintiff,)
v.) C.A. No. 06-028 (***)
SWISSLOG ITALIA S.P.A. and)
TRANSLOGIC CORPORATION)
Defendants.)

STIPULATED FOURTH AMENDED SCHEDULING ORDER

The parties hereto hereby stipulate and agree, subject to the Court's approval, to amend the following paragraphs of the Scheduling Order entered in this case on May 16, 2006 [D.I. 38] to read as follows:

3. Discovery.

e. Discovery Cut Off. Fact discovery in this case shall be initiated so that it will be completed on or before November 9, 2007. Unless specifically agreed to otherwise by the parties, no depositions of additional witnesses, other than experts, shall be noticed after October 10, 2007. Expert discovery shall be initiated so that it will be completed on or before January 11, 2008 and will include any new factual issues raised by the expert reports. The Court encourages the parties to serve and respond to contention interrogatories early in the case. Unless otherwise ordered by the Court, the limitations on discovery set forth in Local Rule 26.1 shall be strictly observed.

f. Disclosure of Expert Testimony. Unless otherwise agreed to by the parties, they shall file their initial Federal Rule of Civil Procedure 26(a)(2) disclosures of expert testimony on or before November 28, 2007, and file a supplemental disclosure to contradict or

rebut evidence on the same subject matter identified by another party on December 14, 2007. To the extent any objection to expert testimony is made pursuant to the principles announced in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), it shall be made by motion no later than the deadline for dispositive motions set forth herein, unless otherwise ordered by the Court.

10. Case Dispositive Motions. All case dispositive motions, an opening brief, and affidavits, if any, in support of the motion shall be served and filed on or before January 18, 2008. Briefing will be presented pursuant to the Court's Local Rules.

11. Claim Construction Issue Identification. On November 28, 2007, the parties shall exchange a list of those claim term(s)/phrase(s) that they believe need construction and their proposed claim construction of those term(s)/phrase(s). This document will not be filed with the Court. Subsequent to exchanging that list, the parties will meet and confer to prepare a Joint Claim Construction Chart to be submitted pursuant to paragraph 12 below. The parties Joint Claim Construction Chart should identify for the Court the term(s)/phrase(s) of the claim(s) in issue, and should include each party's proposed construction of the disputed claim language with citation(s) only to the intrinsic evidence in support of their respective proposed constructions. A copy of the patent(s) in issue as well as those portions of the intrinsic record relied upon are to be submitted with this Joint Claim Construction Chart. In this joint submission, the parties shall not provide argument.

12. Claim Construction. The parties shall serve the Joint Claim Construction Chart no later than December 14, 2007. Plaintiff and Defendants shall simultaneously serve and file opening briefs regarding issues of claim construction on or before December 21, 2007. Responsive briefs regarding issues of claim construction shall be served and filed on or before January 11, 2008. After submission of the responsive claim construction briefs, amendment or

modification of any claim construction position may be made only by order of the Court, which shall be entered only upon a showing of good cause.

13. Hearing on Claim Construction/Case Dispositive Motions. Beginning at _____, on _____, the Court will hear evidence and argument on claim construction and case dispositive motions.

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and Translogic Corporation*

SO ORDERED this _____ day of _____, 2007.

United States Magistrate Judge

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